

## BOARD OF BARBERING AND COSMETOLOGY

### FINAL STATEMENT OF REASONS

**Hearing Date:** January 4, 2007

**Sections Affected:** Section 950.10 of Article 7 of Title 16, Division 4 of the California Code of Regulations.

#### Updated Information

The Initial Statement of Reasons is included in the file. No changes have been made which would warrant an update to the initial statement of reasons.

#### Local Mandate

A mandate is not imposed on local agencies or school districts.

#### Small Business Impact

This action will have no significant adverse economic impact on small businesses

#### Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

#### Objections or Recommendations/Responses

#### Comments Received During the 45-day Comment period

The following objections were received on the proposed action.

#### **(1) Janet Weiss, Cosmetology School Instructor.**

##### *Comment:*

I feel that 800 hours is too much to be credited for an apprentice transferring hours to a school. As a participant in a State Expert Witness Program, I know that what is taught in schools is not what a client gets in a salon, especially in the area of health & safety.

It's hard enough to teach State Criteria, knowing that it isn't being followed in a salon. By the time an apprentice reaches 800 hours in a salon, the salon practices and procedures have already been established as the apprentice's standard. It would be almost impossible to teach an apprentice what is needed to pass the licensing examination. I feel that 400 hours should be the amount of hours allowed for transferred.

*Board Response:*

The board accepts this comment. For the purpose of establishing clarity, if an apprentice has 800 hours of apprenticeship being transferred to a school, the apprentice would only receive 400 credited hours from the school when the school submits their proof of training (POT) document. The proposed regulation states that 50% credit is granted for each hour earned as an apprentice. The board will not be making any changes to the proposed regulations to accommodate your comment.

**(2) Irma Silva, Beauty School Director, Owner.**

*Comment:*

As a beauty school owner, I do not agree with any of the proposed amendments to section 950.10. Based on my past experience with former apprentices enrolling in school. Many choose to enroll in a school because they said there was a lack of training in the salon. They said the salon earn many of their hours by cleaning and applying perm rods.

*Board Response:*

The Board rejects this comment. It is the boards intent by allowing for the proposed action, to assist apprentices that have been displaced by the enforcement of the Department of Industrial Relations, Division of Apprenticeship Standards (DAS) regulations to continue their education towards licensure in California. The board feels that as the DAS continues applying (enforcing) it's regulations "prior" to an apprentice enrolling in the program instead of after they enroll, the negative impact of it's enforcement will cease to exist. It is for this reason that the board has placed a repeal date with this proposal. Additionally, the amendment of this regulation would not require a school to honor the transfer of hours from an apprenticeship program. A school will continue to have a choice on whether to exercise said proposal. The board will not be making any changes to the proposed regulations to accommodate your comment.

**(3) Ivet Silva, Licensee.**

*Comment:*

I personally don't agree with the apprenticeship program because the training they get in the salons is not from an instructor. Many are just licensees who may have received their license many years ago, when board regulations were different than what they are today. I have been in the industry for 18 years and in my experience, each salon teaches the apprentice it's own procedures. This makes it very hard for an instructor to

take over and retrain the apprentice with appropriate board criteria with only 800 hours remaining.

*Board Response:*

The Board rejects this comment. It is the boards intent by allowing for the proposed action, to assist apprentices that have been displaced by the enforcement of the Department of Industrial Relations, Division of Apprenticeship Standards (DAS) regulations to continue their education towards licensure in California. The board feels that as the DAS continues applying (enforcing) it's regulations "prior" to an apprentice enrolling in the program instead of after they enroll, the negative impact of it's enforcement will cease to exist. It is for this reason that the board has placed a repeal date with this proposal. Additionally, the amendment of this regulation would not require a school to honor the transfer of hours from an apprenticeship program. A school will continue to have a choice on whether to exercise said proposal. The board will not be making any changes to the proposed regulations to accommodate your comment.

The following comments were received regarding the proposed action:

**(4) John Sanders, Licensee.**

*Comment:*

I would like to thank the board for coming up with this idea. This is a very good thing. Other organizations that brought this about necessarily don't seem to care about the apprentices, in reality they only care about themselves. I feel that an apprentice should be able to transfer to a school, and a school student to be able to transfer to an apprenticeship program. I have worked with many foreign students that spent four or five days in school and just hated it. Then there are some people that really like working in a salon. That's what I would favor, allow them to switch back and forth, and make it a permanent rule, without the repeal window as proposed. I also agree with the apportionment of the amount of hours proposed.

*Board Response:*

The board accepts this comment. It is the boards intent by allowing for the proposed action, to assist apprentices that have been displaced by the enforcement of the Department of Industrial Relations, Division of Apprenticeship Standards (DAS) regulations to continue their education towards licensure in California. The board feels that as the DAS continues applying (enforcing) it's regulations "prior" to an apprentice enrolling in the program instead of after they enroll, the negative impact of it's enforcement will cease to exist. It is for this reason that the board has placed a repeal date with this proposal. While your recommendations may be helpful for apprentices to switch back and forth between educational programs, the recommendation is not within the boards intent of this proposal. The board will evaluate your recommendation for subsequent rulemaking; however, the board will not be making any changes to the proposed regulations to accommodate your comment.

**(5) Anne Brophy, Apprenticeship Coordinator, Abram Friedman Occupational Center.**

*Comment:*

I am writing in support of the proposed amendments to section 950.10 of the California Code of Regulations. The requirement that employers of apprentices show proof of workers compensation insurance has greatly affected the apprenticeship program that we are partnered with. Many of these apprentices have been forced to start over from the beginning as traditional Barber or Cosmetology students and have lost all the hours they accrued as apprentices. The apprenticeship program is a boon for some in that they were able to work while attending classes. Most of the salons employing apprentices are small “mom & pop” stores and having to supply workers compensation insurance for the apprentice is an economic hardship them.

Most apprentices enrolled in the partnered apprentice committee have either been dropped by the committee for failure to provide proof of workers compensation insurance, or the apprentice became aware that it was going to be an issue and quit. Some who were more serious about their career re-enrolled in a school with none of their hours carrying over and were faced with having to complete 1600 or 1500 hours for the licensing examination.

The teachers in our program and I believe that the wording for transfer credit should include apprentices currently enrolled or individuals who previously held an apprentice license, but had to drop out of the program due to the workers compensation insurance regulation.

I commend the board for recognizing the adverse effect the current situation is having on apprentices.

*Board Response:*

The board accepts this comment. Your suggestion to amend the language and specify apprentices currently enrolled or individuals who previously held an apprentice license, but dropped out of the program due to workers compensation insurance regulation, will not be made. The board feels that your suggestion will require a need to establish a “qualifying” starting and ending date range to determine if an apprentices or former apprentice was effected by said regulation and is eligible to utilize the proposed action. The board felt that it would be more effective and less burdensome to provide a repeal date of the proposed action, and would eliminate an additional obstacle of establishing specific qualifying date ranges. The board will not be making any changes to accommodate this comment.